

REMARKS

Applicant's undersigned attorney thanks the Examiner for the courtesies extended during the Telephonic Interview on December 13, 2006. During this Interview, the undersigned gave a description of the invention. With respect to the proximal and distal terminologies, the undersigned directed the Examiner to the last paragraph of the specification where the terminology as used in the patent specification is explained. The Examiner explained that the terminologies need to be consistent with respect to a reference point. The Examiner maintained the rejections presented in the October 12, 2006 Office Action.

In order to more particularly point out and distinctly claim the subject matter which the Applicants regard as their invention, the catheter has been claimed as a hemodialysis catheter and the step of attaching the catheter to a hemodialysis fluid circulation device has been added to claims 1-11 and 16. No new matter has been added by these amendments, which are supported by the disclosure of the subject patent at, for example, ¶¶ [0018]-[0019] and [0036].

Applicants have also amended independent claims 1, 7 and 16 to recite that the step of attaching components to the distal end of the catheter tube must occur subsequently to the step of routing the distal portion of the catheter tube through the subcutaneous tunnel. This amendment overcomes all rejections regarding both the Mahurkar Patent and the Abrahamson Patent.

WO 97/022374 to Abrahamson ("the Abrahamson Patent") discloses:

At the proximal end portion of the body portion 12 of the catheter assembly 72, the two lumens 76 and 78 are connected to the hub member 70 . . . the connectors 37 and 38; the proximal end of the body portion 12; the distal end of the extension members 18 and 20 are then glued or otherwise bonded together and surrounded by the sleeve member 82.

Thus, catheter 12 is glued to hub 32 during manufacture. This being the case, hub 12 of Abrahamson is not "selectively attachable" to the distal portion of the catheter tube.

Rather the hub and catheter of Abrahamson are manufactured and supplied for insertion with the hub "glued or otherwise bonded together". Thus, attachment of the hub to the catheter certainly cannot be done "subsequent to routing the distal portion of the catheter through the subcutaneous tunnel" as now recited by claims 1-11 and 16.

Precisely the same structural arrangement is found in U.S. Patent No. 5,221,255 to Mahurkar ("the Mahurkar Patent"). As stated at Col. 5, lines 21-27:

The hub 30 is preferably molded in place on the end of the catheter, using mold inserts to form the hub passageways 31 and 32. Alternatively, the walls of the catheter lumens may be expanded at the proximal end of the catheter to fit over the corresponding portions of a preformed hub 30 with the inside walls of the catheter lumens being bonded to the mating walls of the hub 30.

Thus, catheter 10 is bonded to hub 30. This being the case, hub 30 of the Mahurkar Patent is not "selectively attachable" to the distal portion of the catheter tube. Thus, attachment of the hub to the catheter certainly cannot be done "subsequent to routing the distal portion of the catheter through the subcutaneous tunnel" as now recited by claims 1-11 and 16.

Applicants have also amended independent claim 12 to recite a first and second indicators wherein the second indicator is easily distinguishable from the first indicator. This amendment overcomes all rejections regarding the Abrahamson Patent. No new matter has been added by these amendments, which are supported by the disclosure of the subject patent at, for example, ¶¶ [0025]. Abrahamson does not disclose a first and second indicator wherein the second indicator is at all distinguishable from the first indicator.

It is respectfully requested that the amendments be promptly entered and considered by the Examiner. Upon entry, Claims 1-16 will be pending in the present application. Favorable consideration and prompt allowance of all of the pending claims are respectfully requested.

Supplemental Information Disclosure Statement

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Patent Owner attaches form PTO/SB/08A and a copy of the reference listed on form PTO/SB/08A.

Strato Catheter Pictures

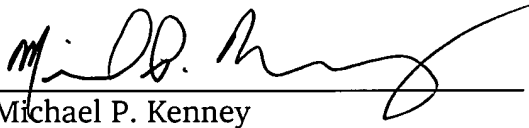
Applicants attach hereto pictures of the Strato Catheter in supplementing the pictures attached as document 24 listed on the March 10, 2004 Information Disclosure Statement.

Applicant: Jon S. Wilson et al.  
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No fee is deemed necessary in connection with the filing of this Amendment. If any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,  
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